

CIA HISTORICAL REVIEW PROGRAM
RELEASE AS SANITIZED

15 Jun 1954

2003

CLASSIFIED		CONFIDENTIAL		SECRET
(SENDER WILL CIRCLE CLASSIFICATION TOP AND BOTTOM)				
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP				
TO		INITIALS	DATE	
1	DD/P	[]		
2	PP/ECOR - file	[]	17 June	
3				
4				
5				
FROM		INITIALS	DATE	
1	General Counsel	[]	6/14/54	
2				
3				

☐ APPROVAL
☐ ACTION
☐ COMMENT
☐ CONCURRENCE

☐ INFORMATION
☐ DIRECT REPLY
☐ PREPARATION OF REPLY
☐ RECOMMENDATION

☐ SIGNATURE
☐ RETURN
☐ DISPATCH
☐ FILE

Remarks: Attached is a draft prepared by Mr. Woodward of an answer to the note from the Netherlands Government in the Wulfsbrook case. I have suggested a change in the legal citation after discussion with Mr. Emerick of Customs. I have also suggested that the final version of the note that Mr. Woodward intended to circulate on the 16th of June be sent to you for coordination. I will be away from 12:00 Noon on 16 June until Monday, 21 June.

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Previous editions may be used.

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LS 8887

15 June 1954

MEMORANDUM FOR: Mr. Robert F. Woodward
Deputy Assistant Secretary for
Inter-American Affairs
Department of State

SUBJECT : Wulfsbrook Note

1. On receipt of your June 10, 1954, draft of the note to the Netherlands Government, I talked again to Mr. Emerick of the Customs Bureau. On reconsideration he felt it would be preferable to refer only to the search authorities of the Customs Bureau and not to the similar authorities of the Coast Guard. Either one he feels is correct, but in the Wulfsbrook incident he believes it proper to take the whole responsibility on Customs and consider the Coast Guard officials concerned as officers of the Customs Bureau for the purposes of search.

2. It is immaterial to us which authority is cited, and unless you have any feeling I believe we should defer to Mr. Emerick's wishes. I have, therefore, redrafted that portion of the note citing the legal basis as Section 1581 of Title 19 rather than Section 89(a) of Title 14. If you have any questions you may wish to consult Mr. Emerick directly. Otherwise, I believe the note is suitable from my point of view. I am sending copies to Mr. Wisner and believe you might wish to send your final version to him for coordination, particularly as I will be away for two days starting June 16.

51
LAWRENCE R. HOUSTON
General Counsel

1 Att - Redraft of Note
to Netherlands

cc: DD/P w/Dept of State draft
and CIA redraft by
General Counsel

CIA Draft
prepared by
LRH/General
Counsel
14 June 1954

The Ambassador of the Netherlands presents his compliments to His Excellency the United States Ambassador in The Hague and has the honor to acknowledge the receipt of his Excellency's letter of May 28, 1954, expressing serious objection and concern in regard to the inspection by the United States Customs at San Juan, Puerto Rico, of certain cargo on board the German flag ship Wulfsbrook chartered by the Royal Netherlands Steamship Company and in regard to the delay caused to that ship in departing from San Juan.

The Ambassador is assured that the Government of the United States regrets this inconvenience and delay to the steamship Wulfsbrook and the charterers. As has been indicated to Her Majesty's Government at The Hague, the Government of the United States is of course prepared to assume responsibility for the expenses which may reasonably be determined to have been caused by the delay.

The inspection of the cargo of the flag ship Wulfsbrook was carried out under the authority of Section 1581 of Title 19 of the United States Code which empowers any officer of the Customs to examine the manifest and other documents, and examine, inspect, and search any vessel and any cargo on board at a customs enforcement area or any other authorized place. The basis for the search was suspicion that there had been violation of Section 1584 of Title 19 of the United States Code which requires full and clear description in every manifest of all merchandise on board. Fortunately this suspicion proved to be without foundation.

The action was taken because the Government of the United States had information in its possession that the cargo might include

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The Ambassador has presented his compliments to His Excellency the Secretary of State and has the honor to acknowledge the receipt of his Excellency's letter of May 28, 1954 expressing serious objection and concern to the inspection by the United States Customs at San Juan, Puerto Rico, of certain cargo on board the German flag ship WULFSBROOK chartered by the Royal Netherlands Steamship Company and the delay caused to that ship in departing from San Juan.

The Ambassador is assured that the Government of the United States regrets this inconvenience and delay to the steamship WULFSBROOK and the charterers. As has been indicated to Her Majesty's Government at The Hague, the Government of the United States is of course prepared to assume responsibility for the expenses which may reasonably be determined to have been caused by the delay.

The inspection of the cargo of the flag ship WULFSBROOK was carried out under authority of Section 89(a) of Title 14 of the United States Code which empowers the United States Coast Guard to make such inspections for the prevention and detection of violation of laws of the United States. The specific law of the United States which it was suspected might have been violated was Section 1501, of Title 19 of the United States Code which prohibits the submission of a false manifest. Fortunately, this suspicion proved to be without foundation.

The action was taken because the Government of the United States had information in its possession that the cargo might include instruments of war not manifested as such which could have been a significant factor in endangering the peace in an area intimately related with the national defense and security of the United States.

It is

On Thursday, October 15, 1953, the following information was received from the Bureau of the Census, Washington, D. C.: